

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: OMAHA
FILE NUMBER: 200460778

REGULATORY PROJECT MANAGER: Daniel E. Cimarosti **Date:** 2 Dec 04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** 2 Dec 04
 At the project site N (Y/N) **Date:** _____

PROJECT LOCATION INFORMATION:

State: North Dakota
County: Dickey
Center coordinates of site by latitude & longitudinal coordinates: 46° 13' 28.7001" north lat;
98° 24' 25.4101" west long.
Approximate size of site/property (including uplands & in acres): 46 acres
Name of waterway or watershed: James River Watershed

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands						1			
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) _____									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): Based on a FSA, USGS topographical and National Wetland Inventory maps, and after personal conversation with a Natural Resources

Conservation Service employee from Dickey County, the site is isolated. Maps indicate the water regime is not permanent or semi-permanent.